Jory Solumbon Hill Henry active SI

By Kance Halor

A JOINT RESOLUTION

proposing amendments to Article V, Sections 16 and 19, of the Texas Constitution, to extend the jurisdiction of justices of the peace

3 to include civil cases where the amount in controversy is \$1,000 or

4 less.

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BE IT RESOLVED BY THE DEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article V, Section 19, of the Texas Constitution, be amended to read as follows:

"Section 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two nundred dollars, and exclusive jurisdiction in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts, and concurrent jurisdiction with the County Courts when the matter in controversy exceeds two hundred dollars and does not exceed five hundred dollars, exclusive of interest, of which exclusive jurisdiction is not given to the County Courts, and concurrent jurisdiction with both the County Courts and the District Courts when the matter in controversy exceeds five hundred dollars and does not exceed one thousand dollars exclusive of interest, of which exclusive jurisdiction is not given to the County Courts or the District Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to

- 1 the County Courts shall be allowed in all cases decided in
- 2 Justices' Courts where the judgment is for more than twenty dollars
- 3 exclusive of costs; and in all criminal cases under such
- 4 regulations as may be prescribed by law. And the justices of the
- 5 peace shall be ex officio notaries public. And they shall hold
- 6 their courts at such times and places as may be provided by law."
- Sec. 2. That Article V, Section 16, of the Texas

  8 Constitution, as amended, be amended to read as follows:
- 9 "Section 16. The County Court shall nave original 10 jurisdiction of all misdemeanors of which exclusive original 11 jurisdiction is not given to the Justices Court as the same is now 12 or may hereafter be prescribed by law, and when the fine to 13 exceed \$200, and they shall have concurrent imposed shall 14 iurisdiction with the Justice Court [exclusive-jurisdiction] in all 15 civil cases when the matter in controversy shall exceed in value 16 \$200, and not exceed 51.000, [6500, exclusive of interest, and 17 concurrent jurisdiction with the District Court when the matter in 18 controversy shall exceed \$500, and not exceed \$1,000, exclusive of 19 interest, but shall not have jurisdiction of suits for the recovery 20 of land. They shall have appellate jurisdiction in cases civil and 21 criminal of which Justices Courts have original jurisdiction, 22 of such civil cases only when the judgment of the court appealed 23 from shall exceed \$20, exclusive of cost, under such regulations as 24 may be prescribed by law. In all appeals from Justices Courts 25 there shall be a trial de novo in the County Court, and appeals may 26 be prosecuted from the final judgment rendered in such cases by the 27 County Court, as well as all cases civil and criminal of which the

1 County Court has exclusive or concurrent or original jurisdiction 2 of civil appeals in civil cases to the Court of Civil Appeals and 3 in such criminal cases to the Court of Criminal Appeals, with such 4 exceptions and under such regulations as may be prescribed by law.

"The County Court shall have the general jurisdiction of a Probate Court; they shall probate wills, appoint quardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law; and the County Court, or judge thereof, shall have power to issue writs of injunctions, mandamus and all writs necessary to the enforcement of the jurisdiction of said Court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other Court or tribunal inferior to said Court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law, and in such counties appeals from Justices Courts and other inferior courts and tribunals in criminal cases shall be to the Criminal District Court, under such regulations as mav prescribed by law; and in all such cases an appeal shall lie from such District Court to the Court of Criminal Appeals. when the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a

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proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1978, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to extend the jurisdiction of justices of the peace to include civil cases where the amount in controversy is \$1,000 or less, exclusive of interest."

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## COMMITTEE REPORT

# The Honorable Bill Clayton Speaker of the House of Representatives

•	13.4/每/77	
	(date)	

Sir:			

We, your COMMITTEE ON CON have had the same under considerati	ISTITUTIONAL AM	IENDMENTS , to whon to back with the recommendate.		H, J, R, 37
) do pass, without amendo ) do pass, with amendmer	ment. nt(s).	mittee Substitute is recommo		inal measure.
A fiscal note was requested on	_			
<del>Nuthor's fiscal statement attached.</del>	(date)			
The Committee recommends that the	nis measure be placed	l on the (Local / Gonsent) Ca	<del>lendar.</del>	
	oses new law. ds existing law.			
House Sponsor of Senate Measure _				
The measure was reported from Cor	mmittee by the follo	wing vote:		
	AYE	NAY	PNV	ABSENT
/on Dohlen	X			
lones	X			
Bryant	Х			
Clark, B.	X			
Close	×			
Hendricks	×			
lohnson	X			
Robbins	×			
Schieffer				X
Total: 8 aye 0 nay present, not voting absent			CHAIRMAN	200e
ansent			COMMITTE	F COORDINATOR

## BILL ANALYSIS

## Background Information

Section 19, Article V:
Sets the jurisdiction of Justice of the Peace courts. These courts have original jurisdiction in (1) all criminal cases where the penalty or fine does not exceed \$200 and (2) in all civil cases where the amount in controversy does not exceed \$200 and exclusive jurisdiction is not given to the District or County courts.

Section 16, Article V:
Gives County courts exclusive original jurisdiction of all civil cases where the amount in controversy is between \$200 and \$500.

## Purpose of Resolution

To expand the jurisdiction of Justice of the Peace courts to include civil cases where the amount in controversy is \$1,000 or less, and to remove the County courts exclusive jurisdiction of civil cases where the amount in controversy is between \$200 - \$500.

## Section-by-section Analysis

Section 1. Amend Article V, Section 19 of the Constitution to set the civil jurisdiction of Justice of the Peace courts as follows:

- (a) Exclusive jurisdiction of cases where the amount in controversy is \$200 or less;
- (b) Concurrent jurisdiction with the County courts where the amount in controvery is between \$200 - \$500; and
- (c) Concurrent jurisdiction with both County and District courts where the amount in controversy is between \$500 \$1,000.

Section 2. Amends Article V, Section 16 of the Constitution to provide that County Courts have Concurrent jurisdiction with Justice of the Peace courts of all civil matters where the amount in controversy is between \$200 - \$1,000.

Section 3. Provides that the constitutional amendment be submitted to the voters at the general election on November 7, 1978.

## Comparison of Complete Substitute to the Original Bill

The original bill had provided that Justice of the Peace Courts would constitutionally have concurrent jurisdiction with both the County and District courts where the amount in controversy is between \$500 - \$1,000. The substitute provides that the Legislature by law may provide such jurisdiction.

## Summary of Committee Action

Public notice having been posted in compliance with Rule V, Section 14, the committee considered H.J.R. 37 in public hearing on March 2 1977. After receiving public testimony, the resolution was referred to subcommittee.

The subcommittee met to consider the resolution in formal meeting on April 4, 5, and 6, 1977. The subcommittee adopted a complete substitute and recommended that the resolution pass as substituted.

The committee received the subcommittee report on April 13, 1977 in a formal meeting and adopted the complete substitute. The committee voted to report the resolution to the House favorably by a vote of 8 ayes and no nays.

## LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 2, 1977

Honorable Tim Von Dohlen, Chairman Committee on Constitutional Amendments House of Representatives Austin, Texas

In Re: House Joint Resolution No. 37

By: Lalor

Sir:

In response to your request pursuant to House Rule V, Section 28, this office finds the fiscal implications of House Joint Resolution No. 37 (proposing amendments to Article V, Sections 16 and 19, of the Texas Constitution, to extend the jurisdiction of justices of the peace to include civil cases where the amount in controversy is \$1,000 or less) to be as follows:

- 1. The constitutional amendment contained in this House Joint Resolution would enlarge the civil jurisdiction of the Justice Courts from those cases wherein the amount in controversy is \$200 or less to:
  - 1) exclusive jurisdiction of cases wherein the amount in controversy is. \$200 or less;
  - 2) concurrent jurisdiction with the County Courts in cases involving between \$200-\$500 (where exclusive jurisdiction does not lie in County Court); and
  - 3) concurrent jurisdiction with the County and District Courts in cases involving between \$500-\$1000 (where jurisdiction is not exclusive in the County or District Court).

Appeals to County Court will continue to be available in all cases decided wherein the judgment is for an amount greater than \$20.

The Texas Judicial Council indicated in their report on the 1975 activities of Texas courts that the 70% of the Justice Courts that filed statistical reports had 149,534 civil cases filed in those courts. It is impossible to determine the local fiscal implications of this proposed increased jurisdiction of the Justice Courts.

2. The cost of publication of the House Joint Resolution, should it be placed on the ballot, is estimated at \$32,500 in fiscal year 1979.

Thomas M. Keel

Director

Source: LBB Staff.

Date MAY 1 1 1977
Read and Adopted

Delty Mures

Chief Clerk

House of Representatives

By Lalor

H.J.R. No. 37

Substitute the following for H.J.R. No. 37

By Hendricks

C.S.H.J.R. No. 37

#### A JOINT RESOLUTION

1 proposing amendments to Article V, Sections 16 and 19, of the Texas

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## C.S.H.J.R. No.

- 1 Courts shall be allowed in all cases decided in Justices' Courts
- where the judgment is for more than twenty dollars exclusive of
- 3 costs; and in all criminal cases under such regulations as may be
- 4 prescribed by law. And the justices of the peace shall be ex
- 5 officio notaries public. And they shall hold their courts at such
- 6 times and places as may be provided by law."

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- Sec. 2. That Article V, Section 16, of the Texas

  8 Constitution, be amended to read as follows:
  - The County Court shall have original "Section 16. jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the Justices Court as the same is now or may hereafter be prescribed by law, and when the fine to be shall exceed \$200, and they shall have concurrent imposed jurisdiction with the Justice Court [exclusive jurisdiction] in all civil cases when the matter in controversy shall exceed in value \$200, and not exceed \$500, exclusive of interest, unless otherwise provided by law, and concurrent jurisdiction with the District Court when the matter in controversy shall exceed \$500, and not exceed \$1,000, exclusive of interest, but shall not jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases civil and criminal of which Justices Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of cost, under such regulations as may be prescribed by law. In all appeals from Justices Courts there shall be a trial de novo in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well

#### C.S.H.J.R. No.

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under such regulations as may be prescribed by law.

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C.S.H.J.R. No.

the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an ejection to be held on the first Tuesday after the first Monday in November, 1978, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to extend the jurisdiction of justices of the peace in civil cases."

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# HOUSE ENGROSSMENT

## 2nd. Printing

By Lalor

H.J.R. No. 37

## A JOINT RESOLUTION

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2 Constitution, to extend the jurisdiction of justices of the peace

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article V, Section 19, of the Texas

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"Section 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and exclusive jurisdiction in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, unless [of-which] exclusive original jurisdiction is [not] given to the District or County Courts, and concurrent jurisdiction with the County Courts when the matter in controversy exceeds two hundred dollars and does not exceed five hundred dollars, exclusive of interest, unless exclusive jurisdiction is given to the County Courts, and, as provided by law, when the matter in controversy exceeds five hundred dollars, concurrent jurisdiction with both the County Courts and the District Courts in an amount not to exceed one thousand dollars exclusive of interest, unless exclusive jurisdiction is given to the County Courts or the District Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be

- 1 allowed in all cases decided in Justices' Courts where the judgment
- 2 is for more than twenty dollars exclusive of costs; and in all
- 3 criminal cases under such regulations as may be prescribed by law.
- 4 And the justices of the peace shall be ex officio notaries public.
- 5 And they shall hold their courts at such times and places as may be
- 6 provided by law."
- Sec. 2. That Article V, Section 16, of the Texas

  Constitution, be amended to read as follows:
- 9 "Section 16. The County Court shall have original 10 jurisdiction of all misdemeanors of which exclusive original 11 jurisdiction is not given to the Justices Court as the same is now 12 or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200, and they shall have concurrent 13 14 jurisdiction with the Justice Court [exclusive jurisdiction] in all 15 civil cases when the matter in controversy shall exceed in value \$200, and not exceed \$500, exclusive of interest, unless otherwise 16 17 <u>provided by law</u> and concurrent jurisdiction with the District 18 Court when the matter in controversy shall exceed \$500, and not 19 exceed \$1,000, exclusive of interest, but shall not have 20 jurisdiction of suits for the recovery of land. They shall have 21 appellate jurisdiction in cases civil and criminal of which 22 Justices Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, 23 24 exclusive of cost, under such regulations as may be prescribed by law. In all appeals from Justices Courts there shall be a trial de 25 26 novo in the County Court, and appeals may be prosecuted from the 27 final judgment rendered in such cases by the County Court, as well

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-END-

## COMMITTEE/FLOOR REPORT FORM

Austin, Texas

	5-25	, 1975
onorable William P. Hobby resident of the Senate		
ir:		
to your Committee on <u>SURIS PRUDENE</u> 15 B. No. 37 have had the same under consideration, and I	am instructed to repo	to which was referred
ith the recommendation that it do pass		e printed.
Chairman		

IF THIS FORM IS TO BE USED AS A FLOOR REPORT, IT IS NECESSARY FOR A MAJORITY OF THE COMMITTEE MEMBERS TO SIGN IT. Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

#### A JOINT RESOLUTION

- proposing amendments to Article V, Sections 16 and 19, of the Texas
- 2 Constitution, to extend the jurisdiction of justices of the peace
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-END-

Presi	dent of the Senate			Spea	ker	of t	the Hou	se	
Ic	ertify that H.J.R.	No. 37	was	passed	ЬУ	the	House	on	May
11, 1977	, by the following	vote:	Yeas	s 137,	Nays	7,	1 pres	ent,	not
voting.								·	
			<del></del> -						
				Chie	it CI	erk	of the	ноц	se
Ιc	ertify that H.J.R.	No. 37	was	passed	l by	the	Senate	on	May
26, 1977,	by the following	vote:	Yeas	31, Na	ys 0	•			
				— <del>————</del>				· —————	
				Secre	tary	of	the Se	nate	
				•					
APPROVED:	المالية								
	Date								
				FILED SE	ORETARY	FFICE OF S	OF THE LATE O'CLOCK		
	Governor						C. O'CLOCK		
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H. J. R. No.	37
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Sona Falor

MAY 11 1977

\_10. Ordered Engrossed at \_\_\_\_\_

(time)

## **HOUSE JOINT RESOLUTION**

proposing amendments to Article V, Sections 16 and 19, of the Texas Constitution, to extend the jurisdiction of justices of the peace to include civil cases where the amount in controversy is \$1,000 or less.	MAY 1 2 1977
	MAY 1 2 19
JAN 1 3 1977 1. Filed with the Chief Clerk.	1
JAN 20 1977  2. Read fire of time and referred to Committee on	MAY 1 2 137
APR 13 1977  3. Reported favorably (as amended) and sent to Printer at 4:25 PM. (time)	
APR 15 1977  4. Printed, distributed and cont to Committee on Salandars at // :27 A.M. (time)	MAY 25 1977
APR 15 1977 Sent To Committee On Calendars 12:11 F.M.	
MAY 11 1877  5. Read second time amended and (finally) passed to Third Reading by a Record Vote of /37 yeas,	
6. Motion to reconsider and table the vote by which H.J.R. was ordered engrossed prevailed (failed) by Non-record Vote) (Record Vote of yeas,nays,present, not voting).	
7. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of yeas, nays, present, not voting.	
8. Caption ordered amended to conform to body of resolution.	0 0 4077
9. Motion to reconsider and table the vote by which H.J.R was finally adopted prevailed (failed) by a (Non-record Vote) (Record Vote of yeas, nays, and present, not voting).	MAY 26 1977

MAY 1 2 1977	_11.	Engrossed.	
MAY 1 2 1977	_ <sup>12.</sup>	Returned to Chief Clerk at	<u>&amp;: /9 A</u> .M.
MAY 1 2 1977	_ <sup>13.</sup>	Sent to the Senate.	A 150

21. Read second time

	13.	Sent to the Senate.  Betty Mussay  Chief Clerk of the House
MAY 12 1377	14.	Received from the House
AY 16 1977	15.	Read, referred to Committee onJURISPRUDENCE
av 25 1977	16.	Reported favorably
	17.	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
	18.	Ordered nat printed.
AY 26 1977	19.	Regular order of business suspended by \( \text{UNANUMOCE Vote.} \) \( \text{CouseuV} \) \( \left( \frac{\text{Veas},  \text{pays.}}{\text{nays.}} \)
	20.	To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

passed to third reading by:

nays.)

(a viva voce vote.)

	. 22.	Caption ordered amended to conform to body of bill.
MAY 2 6 1977	. 23.	Senate and Constitutional 3-Day Rules suspended by vote of 3/ yeas, nays to place bill on third reading and final passage.
MAY 26 1977	. 24.	Read third time and passed by
OTHER ACTION:		OTHER ACTION:  Secretary of the Senate
MAY 26 1977	25.	Returned to the House.
MAY 2 6 1977	26.	Received from the Senate (with amendments).
	27.	House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-record Vote) (Record Vote of
	28.	Conference Committee Ordered.
	29.	Conference Committee Report Adopted (Rejected) by a (Non-record Vote) (Record Vote of present, not voting).
MAY 2 6 1977	30.	Ordered Enrolled at 7:45 M.

(time)

1977 MAY 12 AH 8 19

MOUSE OF REPRESENTATIVES

1977 APR 15 AM 11: 27
HOUSE OF REPRESENTATIVES